

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DESTINY BRUNO, et. al.,

Plaintiffs,

NOTICE OF MOTION

-against-

THE CITY OF NEW YORK, et. al.,

10 CV 210 (RRM)(SMG)

Defendants.

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PLEASE TAKE NOTICE that that upon the Declaration of Mark D. Zuckerman dated January 31, 2014 and the exhibits annexed thereto, defendants' Memorandum of Law dated January 31, 2014; and upon all prior pleadings and proceedings had herein, defendants will move this Court, before the Hon. Steven M. Gold, Chief United States Magistrate Judge, at the United States Courthouse for the Eastern District of New York, located at 225 Cadman Plaza, Brooklyn, New York 10007, at a date and time to be determined, for 1) spoliation sanctions as a result of the NYCLU's/ACLU's destruction during the pendency of this litigation of the hard copy student surveys taken in connection with the preparation of the "Criminalizing the Classroom Report;" 2) the unredacting of the names of persons cited/quoted in the "Criminalizing the Classroom Report," other than students; 3) for the ability to question Udi Ofer during his otherwise already agreed upon deposition concerning the preparation of the "Criminalizing the Classroom" report as to questions left unanswered by the "reliance materials" produced by the NYCLU/ACLU; and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that, plaintiffs and/or the NYCLU/ACLU are to serve their opposition papers on the undersigned on or before February 14, 2014; and

PLEASE TAKE FURTHER NOTICE that the moving defendants are to serve their reply papers on or before February 21, 2014.

Dated: New York, New York
January 31, 2014

JEFFREY D. FRIEDLANDER
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By: /s/
Mark D. Zuckerman
Senior Counsel